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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/789,496	02/26/2004	David C. Nemir	70004-9601-CIP2	9093
5179 7590 05/29/2008 PEACOCK MYERS, P.C. 201 THIRD STREET, N.W. SUITE 1340 ALBUQUERQUE, NM 87102				
EXAMINER				
A. MINH D				
ART UNIT		PAPER NUMBER		
2821				
MAIL DATE		DELIVERY MODE		
05/29/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/789,496

Applicant(s)

NEMIR ET AL.

Examiner

MINH D. A

Art Unit

2821

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 1/22/08.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1, 27-40, 42-51, 56 and 57 is/are allowed.
- 6) ☒ Claim(s) 52 is/are rejected.
- 7) ☒ Claim(s) 53-55 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 52 is rejected under 35 U.S.C. 103(a) as being unpatentable over by Oberlin et al (U.S Patent No: 5, 942, 714).

Regarding claim 52, Oberlin et al disclose in figure 5B that, an apparatus for powering an electrical network comprising: a programmable controller comprising a microcontroller ; and electrostatic discharge protection diodes internal to the microcontroller (col.5, lines 61-62) and excluding rectification elements of a DC power supply(see DC voltage Vcc without the rectifier as shown on figure 5B) external to the microcontroller.

Oberlin et al do not clearly disclose that, the internal electrostatic discharge protection diodes provide a source of direct current for the microcontroller.

However, Oberlin et al disclose that, Vcc is supplying the DC voltage to the microcontroller as shown in figure 5B.

Therefore, to employ the internal electrostatic discharge protection diodes of Oberlin et al to protection of the microcontroller for a particular environment or a desired application would have been deemed obvious to a person skilled in the art.

Allowable Subject Matter

3. Claims 1, 27-40, 42-51, 56-57 are allowed.
4. Claims 53-55 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
5. The following is a statement of reasons for the indication of allowable subject matter:

Prior art does not teach that, wherein each of said internal electrostatic discharge protection diodes are paralleled by a MOSFET transistor that forms an alternative conducting path around said internal electrostatic discharge protection diodes recited in dependent claim 53.

Prior art does not teach that, wherein said alternative conducting path allows firing of a thyristor during a portion of an AC cycle when said internal electrostatic discharge protection diodes are not conducting recited in dependent claim 54.

Prior art does not teach that, an internal MOSFET transistor that is in parallel with one of said internal electrostatic discharge protection diodes, wherein while applying a gate voltage to a thyristor said MOSFET ensures that said thyristor is turned on recited in dependent claim 55.

Prior art does not teach that, the apparatus being entirely resident within either an appliance plug, the plug comprising power delivery conductors, and said apparatus comprising a programmable controller which is programmable exclusively through a plurality of the power delivery conductors recited in independent claim 1.

Prior art does not teach that, the steps of: providing a programmable controller; providing an appliance plug disposing the programmable controller within the appliance plug providing a plurality of electrical power delivery conductors; programming the controller exclusively by applying one or more signals to two or more of the power delivery conductors recited in independent claim 42.

The remaining dependent claims 27-40, 43-51, 53-57 are allowable for at least above reason.

Inquiry

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minh Dieu A whose telephone number is (571) 272-1817. The examiner can normally be reached on M-F (5:30 AM-2: 45 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Owens Douglas W can be reached on (571) 272-1662. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Art Unit: 2821

Examiner Minh A

Art Unit 2821

Date 5/25/08

/Douglas W Owens/

Supervisory Patent Examiner, Art Unit 2821

May 27, 2008